

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACK L. MORRIS,

No. C 06-5076 SI (pr)

Plaintiff,

ORDER OF DISMISSAL

v.


JOE McGRATH; et al.,

Defendants.

This action was opened in error when the court received documents in two separate envelopes from petitioner that were intended to be filed in a single action. Two different actions (Case No. C 06-5015 SI and Case No. C 06-5076 SI) were opened, although only one action should have been opened. The document in Case No. C 06-5076 SI is a copy of the document filed in Case No. C 06-5015 SI. This action is DISMISSED because it was opened in error. The in forma pauperis application and motion for appointment of counsel are DENIED as moot. (Docket # 2, # 3.) The clerk shall close the file.

IT IS SO ORDERED.

Dated: December 4, 2006


SUSAN ILLSTON
United States District Judge